G. R. S. IX-5]

Previous references.

Misc. - 8

1926-20

(Misc)

File No. 406 - 19

Serial Nos. 1-8

Later references.

Misc. 406-22-(1-4)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—8

Part B for

SUBJECT.

In re Bundjana Vale Chennapanadaiyan's Endowment.

GO No. 6650 4 26. 5. 22 passing orders in the matter.

WD 1888—GPB—16,826—23-7-21

G. R. S. III—1] 1919-20

GENERAL AND REVENUE SECRETARIAT.

(Mug.)

NOTES.

File No. 401-7

FILE HEADING.

Representation by the brothers of the late Mr B. Chenna-garuda Iyengar that Govt in the Muzrai Deptt have no right to take proceedings in of S. No. 73 & 84 in the Agraharam Hanba in the Serangapatam Taluk—

From

B. Yadavachary & B. Veeraraghavachar, Pleader, Mysore—

No. Pet. Dated 27-12-19 Received 3-1-20

Diary No. 1237 Enclos.— Spare Copies. Serial No. 1

BRIEF ABSTRACT OF LETTER.

Represent that they are the claimants to the landed property referred to above; that it is illegal for Govt in the Muzrai Deptt to take charge of it for the benefit of some charity and request Govt to withdraw their order, if any, assuming the management of the property—

NOTES AND ORDERS.

C Ey. O. No. 4224-6/Muz 734-18-2 & 2-8-19 assuming the management of the charity founded by Mr. B. Chennagarudiengar, was issued in accordance with the will executed by the late Mr ~~Channa~~ Chennagarudiengar and-

NOTES—First Sheet.

S. III-2]

1637 1401

(3

General and Revenue Secretariat.

Mug File No. 401 of 191 9.

Serial No.	
	8. Draft letter subd as per orders on the previous page -
	8d 26-1-20 Rly 26-1-20
	Dosey) 27-1-20
	9. 28/1/21
2.	To. by. Comm. Mysore Dist. No. 2371 dy. 6.2.20. Forwards Re petn. for enquiry Report
3	From the D.C. Mysore., Letter no - C. 488 of 19-20 (Mug) 26/1/21 States that from the petition of B.V. Raghavachar it will be seen that the endowed property was not an ancestral property but one that was purchased by Channagarudiyar, which, he might have asked his step-brothers to manage for him & that Channagarudiyar was not totally divided from his brothers and his brothers were, during the former's life-time divided in the family to some extent -
	10. In the petn of [illegible]

NOTE—Contn. sheet.

General and Revenue Secretariat.

Misc. File No. 401 of 1917

Serial No.

to Govt. & 27-12-17, he states that the late Chinnagaranginger was not, at the time of his death, completely divided from his brothers; and the lands in question were purchased & registered in the name of Chinnagarangingar during their life-time of their father & are in their possession & enjoyment.

36/A 11. In his statement before the S. D. O on 3-7-20, he has stated as follows:

"The family was undivided at the time of Chinnagarangingar's death & is so even now. There has been no partition between the brothers. The alleged will was not executed by my late brother Chinnagarangingar because he was on amicable terms with his brothers." Re the land, he states as follows:

12 "I & my other brothers with my brother's widows were jointly managing & receiving the benefits of the lands, after my brother's death. But we were allowing the widows to enjoy the land for her maintenance during her life time. The lease of the land was in my brother's name, but we & my

NOTE—Contn. sheet

Serial No.

Xof B

cannot know whether after his earlier it was changed to the widow's name."

13. In the Will left by Khem Chand, he clearly states that he was divided from his elder brothers & that he was living separately from the beginning regards the funds, he has stated that the jewels purchased by him were entrusted to Mst Jagwati & that they were in his possession & enjoyment.

14. The S.D.O. states that further enquiry into the matters alleged by the latter will be necessary

First that it seems necessary that some body should be appointed as Curator in the court.

15. The D.C. points out the contradictions in the statements of the two sets of witnesses & suggests the case for the opinion of court.

16. It may, perhaps, be necessary to take legal advice in the matter of seeking further action.

The case for orders may kindly be recalled in the month.

NOTE—Contn. above

21/1/29

G. R. S. III-2]

General and Revenue Secretariat.

Serial No.

New File No. 401 of 1919

17. When did Chenna Tarudeyan purchase the lands in question? Get a copy of the registered sale deed if any be obtained from the Sub Registrar's Office and forwarded.

18. When did his father die? Reference may be made to the Register of deaths.

19. When was Kathe transferred to the name of Chenna Tarudeyan? Let the Varga-Varai proceedings be forwarded.

20. Who was paying Kandagam from the date of purchase till the death of Chenna Tarudeyan?

21. To whose name was the Kathe transferred after the death of Chenna Tarudeyan? Let the Register record be seen.

22. Who paid Kandagam for the land from the date of Chenna Tarudeyan's death till the date of this report?

23. Who was receiving the produce of the lands from the date of purchase by Chenna Tarudeyan?

NOTE—Contn. sheet

Serial No.

till the death of his wife? The
Statements of the Cultivating-tenants
may be recorded.

24 Were there any Kayals in
the Khatas of Chenna Jaindevaru
further? To whose names were the
Pattas of those lands ever transferred?

25 Are there any lands in
the ~~lands of~~ Pattas of Peta-
Venkatachalam and Kadaru-
Chary and when were they made?

And did the Sharbattars and their Gotra
living together or separately when
the lands in question were mortgaged?

Chenna Jaindevaru
has stated in his writ, that
he and his deceased brothers, were
divided and that the properties
in question belonged exclusively
to him and as divided and
by Court, they have admitted
but a year in their plaint dated
27 Dec 1913 that the said
Chenna Jaindevaru were divided

20 The Defendants-

NOTE—Contn. sheet

R' S. III-2]

141

General and Revenue Secretariat.

Rev File No. 401 of 1919

Serial No.	
	Upon to submit a report on the points referred to above which are necessary for the disposal of the case under consideration C.S. 22/11/21
29	Draft letter for Dy. Com.r is submitted 25/11/21
30.	Issued 1/12/21
4.	D. O. Commr. Anantapur No. 2706 dt 7.12.21 Calls for further report in certain points in the matter.
5	From B.K. Venkatachar Esqr. B.A., B.L., letter dt 25.8.21. Furnishes information on the points on which a report has been called for from the Dy: Comr in Sl.4 above.
	31. As a reply is due from the Dy: Comr to our ~~co~~ letter & reminders are being issued to him, it is submd for orders as to whether the Dy: Comr's reply may be awaited.
	32. Mr Venkatachar desires that the receipt of his letter may be acknowledged.

NOTE—Contn. sheet

S. R. S. III-2]

General and Revenue Secretariat.

Mzg File No. 407 of 1917

Serial No.	
	33. Subd for orders as to whether the letter may be acknowledged. SD 19.9.21 Bb 20/9/21 Withdrawn Withdrawn 36. 20/9/21
	35. Draft, subd. ~~Draft~~ reminder is also put up for signature. SD 21/9/21 Bb 21-9-21 36. 21/22/9/21
6	To, Mr B K Venkatachar, Advocate, Mysore No. 1911 dy. 30.9.21 Acknowledges receipt of his letter dy 25/9/21 ~~information~~ & states that the matter is under consideration & Govt
7	~~To the~~ From the Exp. Comr., Letter No. C. 488 of 19-20 (Mzg) dy 8.2.22 Furnishes the information called for on all the 10 points in this office letter no. 2706 dy 9-2-21 (SC 1)

NOTE—Contn. sheet

G. R. S. III-2.

General and Revenue Secretariat. | Mz File No. 401 of 1919

Serial No.

37) The points on which information was called for & the replies given are noted below for facility of reference.—

Questions	Answers
1) When did Mr. Channagarudiyar purchase the lands endowed. (A copy of the sale-deed to be furnished).	Purchased on 16-4-88 from one Venkatayya of Nagahar. A copy of the registered sale-deed is furnished. (Flag A).
2) When did Mr. Channagarudiyar's father die.	Information not available, as he was in Hyderabad.
3) When was the Khata transferred to the name of Channagarudiyar? (The varga-varji progs. to be furnished).	It was transferred on 17-4-88. The varga-varji progs having been destroy a register extract has been forwarded (Flag B).
4) Who paid Kandayam from the date of purchase ~~to the time of~~ till the death of Mr. Channagarudiyar.	The extracts from the Khirdis i.e. from 1901-02 to 1918-19, the previous years' not being available, show that it was paid by Channagarudiyar till his death & thereafter by his wife.

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Mis. File No. 401 of 1919

Serial No.		
5)	To whose name was the Khata transferred after Channagarundiyar's death?	The Khata was transferred to his wife's name in the year 1913-14, as per original "Nam-Zabdil" list produced (Hay D)
6)	Who paid Kandayam after the death of Channagarundiyar till the death of his wife?	From 1911-12 to 1917-18 his wife paid, with the exception of the year 1914-15. For 1918-19, one Venkatachar paid.
7)	Who received the produce from the date of purchase to the date of the death of the wife of Channagarundiyar.	Copies of the registered lease-deed executed by one Dasegowda in favour of Channa garundiyar on 22-1-14 for a period of 5 yrs. and by one Thimmaraji gowda on 15-2-15 in favour of Bhagirathamma for a further period of 5 yrs, after the expiry of the above period, are furnished (Hays E & F).
8)	Were there any lands in	

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Mis. File No. 401 of 1919

Serial No.		
	the Khata of Chamaraendiengar's father & if so to whose name have they been transferred?	No records to show that any lands were held by C's father in the S. Patam Taluk.
9)	Are there lands in the ~~the~~ Khatas of Messrs Veeraraghavachar and Yadavachar & when were they made?	No lands in their Khata in the S. Patam Taluk
10)	Were Chamaraendiengar, his father & step-brothers living together or separately, when the lands in question were purchased by C. Iyengar?	No information is available on this point.

38. The information called for on points noted in paras 17 to 28 of the Secretary's note, has been noted above.

39. The fact of Veeraraghavachar having sold his half portion of the Hamsapur lands to his step-brother Chamaraendra Iyengar, appears to go against his contention that the brothers were undivided & were living together. It is not also clear how he ~~sold~~ sold his

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Mis. File No. 401 of 1919

Serial No.

half portion, when he has an younger brother Pradhancharyar.

40. It is a point for orders whether any legal consultation is necessary and if so whether the Govt Advocate may be consulted.

SD
28/3/22

41. From the Madras Mail there is no reason to doubt that Chenna Venkayya has the sole power of the Temple but that he has no right to sell the Archa or Chenna Varadaraja in exchanging the said lands for the temple

42. The Govt Advocate may be Consulted.
A/30/3/22

43. Forwarded with compliments to the Govt Advocate for favour of opinion.

By order
Sec to Govt
By Mis Dept

30 March 22
Bangalore

NOTE—Contn. sheet.

R. S. III-2

General and Revenue Secretariat. | Mug File No. 401 of 1919

Serial No

No. 1107 | 6-11-19
dy 8/4/1920

44. The materials available in the records appear to me to establish beyond doubt that the testator, the late Mr Chen. Ca-Kyar un a Mongan was a divided member of the family or at any rate that his other brothers have no subsisting interest in the property owned by the testator.

45. We have first the fact that the documentary evidence shows that the properties were becoming separately enjoyed by him, the Khata of the lands in question was in his name & the Kandayan was also paid in his name. Secondly we have the fact that after his death the Khata was made out in the name of his wife Mrs Bhagyeratemma. It is not likely that the testator's brothers who have now been urging their claims would have kept quiet at the time of the transfer of the Khata if in fact they were entitled to the lands by right of kinship. Thirdly we have the fact

NOTE—Contn. sheet

G. R. S. III-2.

General and Revenue Secretariat.

Mis. File No. 407 of 1919.

Serial No.

the widow dealt with the lands as owner in possession by leasing them for 5 years to a tenant & herself the Kandayam herself.

46. Moreover all these circumstances, which strongly & notably the above view, we have the most important piece of evidence afforded by the registered deed of sale dated 1st April 1895 under which Mr B. Veeraraghavachar has sold his half share in S.Nos 318, 319 and 320 to the deceased testator himself. If as a matter of fact the brothers were undivided how a transaction would be inconceivable.

47. The present claim appears to be an afterthought.

48. I am therefore of opinion that the deceased (Mr Chenna Gowda Iyengar) was the absolute owner of the lands in question and was entitled to dispose of the same by will.

2nd April, 22. [illegible] Dist & Sessions Judge

49. Dup. endt. accdg & ask D.C. to proceed with the admn of the Charities

5/4/22

31/III/22

NOTE—Contn. sheet.

(16

3283

G. R. S. III-2.

General and Revenue Secretariat. | Any File No. 407 of 1919.

Serial No.	
50	As the previous correspondence appears to indicate that a Q.O. ~~appears to be~~ is necessary in the case, a draft order on the lines of the opinion expressed by the Govt Advocate is subd for approval or other orders. 8d 11/4/22 BL 11.4.22 Bm 15/4
51	18 Members.
5-630-53 18.4.22	
52	Vide query on Mss dompt put up. Clean typed dompt may be put up for approval. Peel 19.4.22
	Please bring up with precedents and explain
53	Subd in person to the Secretary and typed draft put up, as directed by him 8d 13/5/22 BL 16/5/22 Dompt revised suitably & ~~resubd~~ for Consideration 54 Bm 18/5
6516-27 16.5.22.	18 Members Dompt approved Peel 17.5.22 Bm 17/5

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

File No. 401 of 1919

Serial No.	
8	No 6650-4 & 26th — May 1920 do, The Secy. Mysore, Comptroller to Govt. & the Musrat Superintendent Directs the Deputy Comr to take needful steps in the administration of the charities & to lease out the lands endowed for its upkeep as directed in G.O. No 424-6/734 18 2. dated 2nd Aug 1917

NOTE—Contn. sheet.

VI--G/32]

SUBJECT.... Forwards for enquiry & report the petition of Yadavachar & Veeraraghavachar claiming the property endowed by the late Mr. Channa garundiengar for a charity.

Diary No. of letter replied to ...1237.

Section Mysuru
File No. 201 /
Serial No. 2

GENERAL AND REVENUE SECRETARIAT
Mysuru
, the 191

No. 2371 Encl

Date of issue 6.2.20

To

T.E. Jayarama Aiyar
Secretary

The Dy: Comr, Mysore Dtt.

Sir,

With reference to your No. 424-6/Alienation 734-18-2 dt 2-8-19 re the Channaraundra Iyengar's Endowment, I am directed to forward herewith petition, dtd No. 1237 dt 27-11-19 from B. Yadavachar and B. Veeraraghavachar objecting to the acceptance of the endowment by Govt and

to request that the matter may be enquired into and a report sub? ~~as to whether the petitioners have any claim to the endowed property and whether they~~ may not be informed that they may establish their title, if any, in a court of law.

I have the
28/1/21
Secretary
Min: Deptt
26.1.20

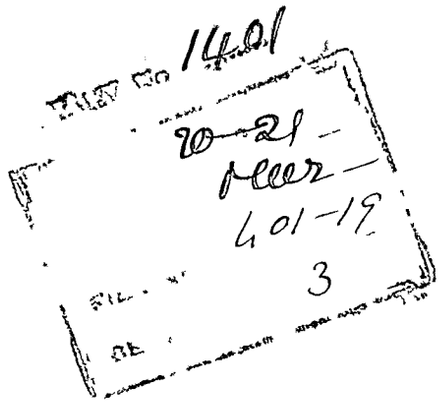
26-1-20

List of enclosures.

27-1-20

Copied by

Examined by.



1920-21.

From The Deputy-Commissioner
Mysore district.

To The Secretary
to the Government of H.H. the Maharaja
of Mysore, Mysore department
Bangalore.

Dated 4th January 1921

Despatched

Received JAN 1921

General No. H.f.c. No: 44 K of 1920 Mysg.
No.

Enclosure No. one file.

Submitting a report on the petition of
Mrs. B. Veeraraghavachar in re the
endowment of late Mrs. Chennagamma
Iyengar etc.

ST
7

No. 486 of 1922

Income Tax Office.

Broad Street, 30th Dec—1922.
4th January 1923.

Sir

- -

that somebody should be [illegible] in court [illegible] side.

I may point out in this connection [illegible] 27th December 1919 [illegible] it is stated that (1) [illegible]

[illegible]

[illegible]

Yours [illegible],

[illegible]

File No 401/19
Serial No. 4

uary No. of letter replied to 1481

No. 2786

General and Revenue Secretariat
( )
, *the* 19

Date of issue 9.2.21

Signed by

To
The Dy. Comm. Nuwara Eliya.

Sir,

With reference to your e/m No. 88 of 19-2-21 I have to inform you that the petitioner's name was changed by Deed No. 1 of 1921 attested by Mr. Thambiah Navaratnam of Nuwara Eliya and that information may kindly be obtained on the following points and furnished with a report thereon:-

1) When did Mr. Thambiah Navaratnam purchase the land in question? Was it registered before or after the petitioner obtained the Land Registrar's office and forwarded.

2) When did Mr. Thambiah Navaratnam [illegible] Reference may be made to the register of Estates.

over.

SUBJECT.

3) Wieviel wird die Kathe transferred
to the name of Johann Magnus Dienger?
Die Gerichts-Kosten proceedings may be
transferred?

Wann ist Jungfrau Kindsagen
krank das ist die Erbschaft auf die
Hand für die Hälfte ihrer Eltern und Geschwister?

4) In whose name was the Kathe
in Empfang? oder for the benefit of
who was Jungfrau Kindsagen
Eigenthum wurde Name?

5) Ist ihr Jungfrau Kindsagen for the
Land from the Date of Johann Magnus
Jungfrau's death till the Date
of the Deed?

6) Was was receiving the produce
of the lands from the sale of
personal of Johann Magnus Jungfrau
for the benefit of the Estate
Statement to the effect of
no sale was ever made.

7) Were there any Debts in the
Estate of Johann Magnus Jungfrau?

8) Who were were the Heirs
of these lands been transferred?

List of enclosures,

Copied by

Examined by

GPB—6,000—1-5 09

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Dated 25th August 1921.

Mysore

From,

B. K. Venkatachar, Esq. B.A., LL.B.
Advocate,
" Hayagrivamandiram,"
Mysore.

To,

The Mujarai Superintendant and Joint Secretary
to the Government of Mysore,
Bangalore.

Sir,

Re: B. Channagaruda Iyengar, Melkote Endowment
G. O. No. 424-6/Muz 734-18-2 dated 2-8-1919.

---o---

In continuation of my last letter dated 8-9-1919 conveying their deep sense of gratitude and thanks of the legatees B. Venkatachar and B. Narayana Iyengar by his guardian mother Ammaiahamma in the will of the above donor B. Channagaruda Iyengar to the Government for graciously accepting the above endowment b I on behalf of the above legatees who are interested in the above endowment, have much pleasure in writing to you as -- - follows.

On making local inquiries here in what stage the administration of the above endowment stood, I learn that Government wanted some particulars about the above endowment property situated in Seringapatam Taluk and I beg to submit the following facts for the information of the Government and I shall be glad to give any further particulars about the property which the legatees may be in a position to furnish.

(1) The endowment lands had been purchased by the

donor B. Channagaruda Iyengar himself under a registe sale deed executed on 16-4-1888 and registered as No. 131 in Book I vol. No. 65 pages 342 to 345 in the Serin patam Sub Registrar's office on 9/11-5-1888 by the Vendors Venktiengar and his three sons in favour of the donor B. Channagaruda Iyengar.

(2) The khata patta of the above lands was transfeyred to the purchaser's name B. Channagaruda Iyengar soon after the sale during the official year 1889-1890.

(3) The donor was himself paying the kandayam of the lands from the dated of his purchase upto the time of his death in 1911 and he was receiving the produce of the lands as per one of the registered gutta deeds executed by the donor's tenent in favour of the donor and registered in the Seringapatam Sub Registrar's office as No. 791 Book I vol. 215 pages 108 to 111 on 3-2-1910.

(4) After the donor's death the kandayam of the above lands was being paid by his widow Bhagiratamma and the produce enjoyed by her till her death as per her husband's will and the khata of these lands transferred to her name vide Patta No. 38 granted to her by the Seringapatam Taluk office on 25/28-1-1914.

(5) The khata patta of the above lands was never in the names of the donor's father nor in the names of his step brothers as will be apparent from the records referred to above.

(6) So far as the legatee's mother's information goes the donor, his father and his step brothers never lived together since the purchase of the above lands.

(7) Moreover the endowment lands as they were purchased by the donor himself did not at all form part of the ancestral property of the donor and his step brothers which they divided between 1893 and 1895 about which time the donor's father may have died.

(8) Besides there are certain records such as registered sale deed of lands executed by one of the step brothers of the donor in favour of the donor after their partition of their father's property going to show that the brothers were completely separate in estate and property and that the donor had every right and authority to will out his property as per his will of 1902 under which the endowment is created.

In conclusion I beg to submit that I shall be glad to furnish further particulars if necessary and in support of the above endowment. The favour of the receipt of this letter is requested.

I have the honour to be
Sir,
Your most obedient servant,

B.K. Venkata Char
advocate.

Hayagriva Mandiram,
Mysore.

G. R. S. VI—G/32]

SUBJECT. ... ...

....

....

Diary No. of letter replied to 718

Section Mun

File No. 401-19

Serial No 6

General and Revenue Secretariat

(Mun)

, *the* *191* .

No. 1811

To

B. K. Venkatachar Esqre B.A., L.L.B

Advocate, Hayagriva Mandiram

Mysore -

Date of issue 20-9-21

Signed by Mun Dy Secy

Sir,

I am directed to acknowledge the receipt of your letter of 25th Augt 1921 ~~xx~~ furnishing certain information re the endowment of B. Channagarudiyar and to state that the ~~case will be disposed~~ of after receipt of the report called for from the Dy: Comr.

over.

I have etc

Secretary

Mun: Depts

21.9.21

Matter is under the consideration

VNs

22/9

21-9-21

List of enclosures.

Copied by

Examined by

Dated Mysore 28-10-1921

1663

From

B. K. VENKATACHAR Esq. B.A., LL.B.,

Advocate,

"Hayagriva Mandiram"

Mysore.

Secret

To

The Muzrai Superintendent

in Mysore

Bangalore

SI. 29/10/21

Sir,

Re: B. Channa Ganda Iyengar Mallohalli Endowment.

With reference to the above I beg to invite your very kind attention to the copy of the enclosed endorsement from the Nedalore Taluk office in which the Khata of the Lands of the above Donor situate in Nedalore which were willed to the other legatee in the will of the Donor creating the above endowment has been changed to the name of the elder son of the other legatee on the strength and authority of the Registered Sale deed no 992 Book I Vol 112 pages 66-69 Nedalore Sub Registry Office executed by B. Veeraraghavachar to his step-brother Channa Ganda Iyengar on 1-4-1895 a copy of which Sale Deed had been submitted to you by me in person in your last Dussara Camp in Mysore. which conclusively goes to show that Channa Ganda Iyengar was entirely separated from his step brother and had every right to [illegible]

his properties

I shall be highly obliged
informed if orders have been issued
purchase of the new State 6½ or 7% Bonds
out of the sale proceeds of the 2 years Gu
of the endowment lands in the hands of
Zalulk authorities which will materially
add to the nucleus of the Endowment

Enclosure one.

I beg to etc
your most obedt Sn
B. K. Mullick Chan
Advocate
28/10/.

18-19.

యడ మీరి కాల్లకు క భోరియింద

మైసూరు సిటి పోలీసు ఆయుక్తరవరు మందిర రక్షిసువ అధికారి ఆదేశ
B.K. మోక చూబాత్ర వరిగే యిం తాను.

యడకోరి కాల్లకు రుంవా వ్రురదస్తా మదగళ సంఖ్యానంబరు
318, 319, 320 ఈ నం బరుగళ మాతేబద్ధవాగి మ్యాలరా
B.మోక చూభిన్నార మమ్మ ఇవరతవ్వ B. నాగణ్ణేగం గాంరజ్జి నరిగే
ఆగబేకిం దు నిర్వ్రకోష్ట్ర అధికారిగళు.

మేల్కండ సర్వేనంబరుగళ మాతేయన్న రిందువనాంద
B.మోక చూభిత్రవర మీనరిగే కండిరుతేరి యిమువ్రదు.

(సహి) B.V. Kumarish
Date 14-2-21

Amildar
Yadgir

28.10.21.

23.2.22

Dated: Mysore 22. 2. 1922

3523

From

B. K. VENKATACHAR Esq. B.A., L.I.B.,

Advocate,

Mysore.

To

The Museum Superintendent & Secretary
to Government
in Mysore
Bangalore

Sir,

Re. Criminal appeal No. 1 of 1922 on the file of Sessions Court, Mysore

In support of the memorandum of grounds filed in the above criminal appeal I beg to submit the following additional grounds required by me and other report may be called for from the Records in your office for this purpose.

In connection with the above I would beg to invite your kind and special attention to my letter dated 28.2.1921 to which reference is made in the memorandum of grounds filed in the above criminal appeal. The contending step taken by the Crown in favour of the accused which entitles the

the donor is right to will away
as he was divided from his brothers in

I shall be very glad to furnish
you with such other documents
as may be required by you to support
the instrument

I beg to remain
Sir
Your humble Servt
B. Krishnamachari
Advocate

To be kindly placed in the file of Chinna Ganesa Iyengar.

19/10.

16 Oct 1921

B. Washington Jones

to Jesse Heard. Dem.

He states that though his father executed a will, it related only to the family lands at Hampton and that it does not relate to the lands in question at Seven Pines. He admits that he sold his share of the lands in Hampton to Chesterfield several years ago and executed a recorded deed.

He contends that though the lands at Seven Pines were purchased in the name of Chesterfield they were purchased during his father's life time and that he [illegible]

was Jobbing at £50 in
Commercial Debt, the
presumption is that
the purchase must have been
made out of Joint family funds
the family must have plenty of
property.

He further states
that no partition between him
and Chengamdiappa was ever
effected, that the latter died
while he was living with him, and his son Venkatachella 15 years
that the will produced by the
opposite party was fabricated
by Chengamdiappa's widow and
his brother Venkatachellam

He denies this that

Thanking you very much applied
to the authorities to take proceedings
against the Chaplain for the
Churches for which they have been
taken by Lord and that
the matter of his house in Ypres
has been transferred to his
(i.e Vicar English chaplain's name)

B Swinghamsteads
Redder.
16.10.1921

Respectfully
W Hyslop Jones

Camp Ypres 16/10/21

Twenty Rupees paper

నావిరదయంట నూరష్రోంభక్ర్యోదనే(ఇన్స్టి వీర్రిల్ వందరల్లుసిళిందర్బంద్
నళ్ళూరువబ్బాళ్ళారిగారుతాబ్బొర్భరమక్ష్మళ్ళుకొనరింమ్మేట ఇలాంటి ట్రాన్స్
ఫోర్ట్ పీడగుమన్నే బండిగనవవేజన్నగరుడాబ్బొర్భరిగే మైసూరో
డిస్ట్రిక్ట్ నంజనగూడినళ్ళూరువసద్రిబ్బాళ్ళారిగారుడాబ్బొర్భరమగట్టిడర
బి. వీరరాఘవా బ్బొర్భను బరీదుళ్ళోట్టక్రయవత్రలదాగి ——
ననగే నిమగే విరరాజిస్తవాగి బండిరువమైసూర్ డిస్ట్రిక్ట్ంయుడతోశి
తాల్లూకు తిప్పూరుహోబళిరుంవాప్పురదగ్రామక్కే సమ్మతంబేగతినిన
లాంగాయ్కు ముందరేడాగ్గే ఎడగడువకుష్పదలాంగాయ్కు నిమగే మాళ్లే
యంగుక్కే శ్రీరిందదు రుంవాప్పురద నాలేకేళగణారెరిజమీనుగళు
పూర్వక్కే రయిమనే నాబదగద్దేవశ్చమక్కే కొల్లదదక్షిణక్కే తాళిండ్రిళి
లుక్కరక్కే శ్రీరవిశేరాయరథోలాఈమధ్యే ఇరువుదు ——

(ఎ) నవీనసంబర్మున్నూరుదినేంటుయర్దీ ఆరు ఆకారమున్నక్కుళుగుతాయి.

(బి) నవీనసంబర్మూరనూరుదినేంటల్లరుహ్రోంభక్కు ఎకరినాల్కుగుంటేదుది
మూరు ఆకార ఇవ్వక్కేరుడురూపాయి

(సి) నవీనసంబర్ మూరనూర ఇప్పత్తే యకరశినాల్కుగుంటే ఇప్పత్తే నాల్కు ఆకార
మూవత్తేరుడురూపాయి —

యీ. బి. నిదేమిలో ఎకరేరుదినాల్కుగుంటేమున్నక్కే ఆకార ఎంభత్తు
నాల్కురూపాయి ఎక్సిసోవిదురు కాంయినాళ్లాసోటుళ్ళ జమీనుగళ్ళనిన్న
మన్సిసిదే అధికారాతానన్నమన్సిసిదేనిధర్మజమీనుగళ్ళక్కేతగనినమగే నానుసూ
రు డావిసరు కాంయగళిగేక్రయక్కే కొట్టిరుత్తేనే. యిశ: క్రరతూర్పత్తుగళ్ళ
అష్టభోగతేజసోమ్యవ్యవహారచనుశ్చయక్కే సరుబాంధ్యవిద్దు ఇష్టా
నుసారసాగువళ్ళవాదిక్కేండుసర్కారకంబాయకళ్లి నుత్తా నీవునిన్న
పూర్వక్రతరంవారాదవరు నిబాధకమీరనేదినుభరిసిబరుత్తారు. ఈవి
స్తగళయావతక్కారుగూమొళ్ళవస్తు ఇదరింద బందో నాశేసవది
సిమోడుత్తేనేందు బరీదుమకొట్టక్రయవత్ర ——

(Sd) B Viraraghavaiah
1st grade pleader

సాక్షిగళు ——
తిప్పూరు రత్నసాక్షి

బి॥ యుడకోరేసాక్ష్యంనరసమగసుబ్రాయ.

1895 నో ఇన్స్ట్రిలో 1 నోదివగండసేయడతోశినట
నికల్ఖ్ ఈకేళగేరు జుమాదియిరువవనింద రాజర్ డల్పట్టిత్త
(Sd) B Viraraghavachari నంజనగుడల్ఖిరువవ్ఖీడర్
జేవన్న బళ్ళారి గరుడా బార్ర్మగ-
ఈకేళగేరు జుమాదిరువవను ఈవిక్ర బళీదుకోట్టద్దలుంటోందుట
ప్రికోళ్ళత్తానే.
(Sd) B. Viraraghavachari నదరంబరీదుకోట్ట

బి. వీరరాఘవాచారీ క్రింబువను దుంటా వుర్రదఖ్ఖిరువ శ్రీ వైష్ణవ
బ్రాహ్మణ శ్రీనివాసాయంగార్ర్మగ దీక్షితర్ తిరునారాయణాయంగార్రిగే
ఛక్రాగితిళిదవనాగి ఇదానే. బరీదుకోట్టవను ఇవనేంటా నదళ్ళ
తిరునారాయణాయంగార్ సక్షర బురుబు సాక్షిను దిదు ఆబళ్ళేఈకేళగే
రజుగుదిరుత్తానే.
(Sd) దీక్షితరుతిరునారాయణాయంగార్రరుజు. (Sd) V. K. Lakshmana Iyer
1-4-1895
Sub-registar

1 నే ముక్కిన 112 నే వాల్యుమిన 66 లాం గాయ్ను 69 రవరంగనళేజు
ళ్ళు 79 షిలోనం బరంగతిజిస్టర్ మాడి డింయిదే. ఫీజు ఆరు రూపాయివ
రును బగిదే.
Sd) V K Lakshmana Iyer
Sub Registrar 2-4-95.

Seal of Subregistrar
Office
Yadgiri

3283

1922

1921-22

From 401-19-7

The Deputy Commissioner,
Mysore District.

To

The Secretary to the Government
of Mysore, Bangalore
Revenue Department

Dated 7th February 1922.

Despatched 8th February 1922.

Received 10/2/22

General No.
No.

Enclosure No

Submit further information regarding the endowment of late Shamananda Iyengar

DT
10/2/22

No.

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,

Dated, Mysore, 30th January 1922. 192
7th February 1922

From

P. R. Goring, Esq.,

Deputy Commissioner, Mysore District.

To

The Hon'ble Jayaka Tyer, Esq., B.A., B.L.,

Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.
Revenue Department.

SIR,

With reference to your letter No.2706/Miz.401-19-4 dated 9th February 1922, calling for further information regarding the enhancement of the Sirigerepalya agraharadengar, I have the honour to offer the following reply, replies as regards the Agraharadengars of Sirigerepalya Taluk on the ten points are given below:-

(1) The lands in question are reported to have been granted by Dewan Purnaiya Bahadur on 10-4-1868 from one Kempa Gowda Agraharadengar. A copy of the registered Sale Deed in this behalf obtained from the two Registrar's Office is submitted herewith (Page 4)

(2) [illegible] Agraharadengar's other [illegible] and where [illegible].

(3) [illegible] Agraharadengar [illegible] Amildar's [illegible] (Page 3)

(4) As regards the information as to who were paying kandayam on the said lands from the date of its purchase, the Amildar furnished an extract from the Khirdis available in the Taluk Records (i.e., from 1901-2 to 1918-19) showing the particulars required. (Flag - C) It is clear from the Amildar's report that previous year's Khirdis are not available in the Taluk Records. I have anyhow asked him to trace the information from the Shanbhog's accounts, if any, and submit a report on this point. A further communication will be made in this behalf on hearing from him.

(5) After the death of Channagarudiengar the khata was transferred to the name of his wife Bhagirathamma in the year 1913-14, as per original "Nam-Tabdil" list herewith produced. (Flag D)

(6) As per Khirdi extract submitted (Flag C) it is seen that after the death of Channagarudiengar, his wife Bhagirathamma continued to pay Kandayam on these lands for the years from 1911-12 to 1917-18 with the exception of the year 1914-15 for which period one Narasimha-Iyengar is seen to have paid the kandayam for her. It is also seen therefrom that one Venkatachar paid the kandayam for the year 1918-19.

(7) It is said that from the date of purchase of the lands by Sri. Channagarudiengar, he was himself receiving the produce thereof till his death. No documentary evidence to prove this statement has been received from the Taluk except a copy of a Registered Lease Deed executed by one Dasegowda in favour of Channagarudiengar on 22-1-1910 for a period of five years from the year Chandramana. (Flag E) The fact that after the death of Channagarudiengar his widow was receiving the produce is proved by a copy of Registered Lease Deed executed by one Thimmaraji gowda on 15-2-1915 in favour of Bhagirathamma for a further period of five years after the expiry of the previous lease. (Flag F)

(8) The Amildar reports that there are no refererces to show that Channagarudiengar's father owned any lands at all in Seringapatam Taluk.

(9) There are no lands in the khates of Messrs Veera Raghavachar and Yadavachar in Seringapatam Taluk.

(10) No references are reported to be available in the Taluk to show whether Channagarudiengar - his step brothers and their father were living together or separately, when the lands in question were purchased.

2. The entire file of vernacular records ending with Arcot Rocks Sub Division Officer's report O.R.H.C. 1155 of 19-20 dated 3rd December 1921, is submitted herewith for reference.

I have the honor to be,

Sir,

Your most obedient servant,

Venkatarao

for Deputy Commissioner,

Mysore District.

A.T.

No.C.488/19-20.Rev.

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,

Dated, Mysore, .. 4th May 1922 .. *192*

5

From

S. Abdul Wajid, Esq., B.A.,
Assistant Commissioner in charge,
~~*Deputy Commissioner*~~, *Mysore District.*

To

The *Secretary to the Government of His Highness*
the Maharaja of Mysore, Bangalore
Muzrai Department.

SIR,

With reference to para 4 of this office letter No.C.488/19-20.Muz.dated 7th February 1922, re the endowment of late Channagarudiengar, I have the honor to state that the Amildar of Seringapatam Taluk reports that no accounts are available even with the Shanbhogue to show as to who were paying kandayam on the land in question from the date of its purchase to 1900-1.

I have the honor to be,
Sir,
Your most obedient servant,

Veeraabba 5/5

For Assistant Commissioner
in charge, Mysore District.

A.N.

4650
21-22

191

From

The Deputy Commissioner,
Mysore District.

To

The Secretary to the Government
of Mysore, Bangalore

Dated } 5th June, 1922
Despatched }

Received

General No. C. 488 of 19-20 (Agy)
No.

Enclosure No.

Submitting report re the endorsement of late Channagarayadesagar.

4522
21-24
Misc

Dy
28/4/22
From
Attend
Dy
28/4/22
ST

B. K. Venkata Char. Esq B.A. & L.B.
advocate
"Haya-Priva-Mandiram"
Mysore

To.

The Muzrai Superintendent and
Secretary to the Government of
Mysore (Muzrai Dept) Bangalore

Sir. Re B. Chennapanda Iyengar
Melkote Endowment

With reference to the above Endowment
I beg leave to invite the very kind attention
of the Government to my letter dt/26-11-1919
in reply to your office memorandum
no 1536/muz 734-18-4 dt/19-11-1919. forwarding
a certified extract from the Birth and death
Register showing 1911 as the correct year of
the Donor's death and praying that the correct
year may be duly noted in the Govt Proceedings
no 424-6/muz-734-18.2 dt/2nd August 1919
and to request that Government may be
pleased to change the year of the Donors death
from 1914 to 1911. when passing final orders

endowment—

(2). In Connection with the
also be permitted to draw the kind attention
of the Government to my Suggestion in my
para of my last letter dated 28-10-1921
the investment of proceeds of the produce
Endowment property for the last three years
from the date of the death of the Donor viz
in 1919. in Government Securities to be added to the
Corpus of the Endowment.—

I beg to remain
Sir
Your most
obedient servant
P. K. Venkata Chari
advocate

Dated 26th April 1922.

G.R.S. .VI–71]

SUBJECT.....

.....

.....

Diary No. of letter replied to... ....3.2.8.3.....

Section Mug

File No. 401-19

Serial No.

General and Revenue Secretariat

(Mug)

, *the* *191*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G.O. No. 424-6/Mug 734-18-2 dt 2-8-1919 accepting the endowment in land made by the late Mr. Bindiganavale Chennagarudiengar for feeding pilgrims and Sanskrit students in the Desikar's Sannidhi at Melkote and Order Thereon—No

directing the assumption of management of the charity by Govt. in the Mugrai Deptt.

2) Petn dt 27-12-19 from Messrs

Date of issue .....

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

B. Veeraraghavachar, Pleader, Mysore and his brother Yadavachar representing that they, being the undivided brothers of the late Channagarudiengar, are claimants to the landed property endowed by Channagarudiengar and as such it is illegal for Govt in the Mysrai Dept to take charge of it and administer it for the benefit of certain charity; and, requesting Govt to withdraw their order assuming the management.

3) Correspondence ending with letter no. C. 488 of 19-20 (Mys) of 8-2-22 from the Dy: Comr, Mysore Dist, furnishing information on all the points called for.

4) Unofficial reference No 110 of 21-22 of 3-4-22 ~~Order~~ on the subject from the Govt Advocate.

~~Order~~:-

List of enclosures.

Copied by

Examined by

WD 1744—GPB—30,000—17-3-19

G. R. S. 27]

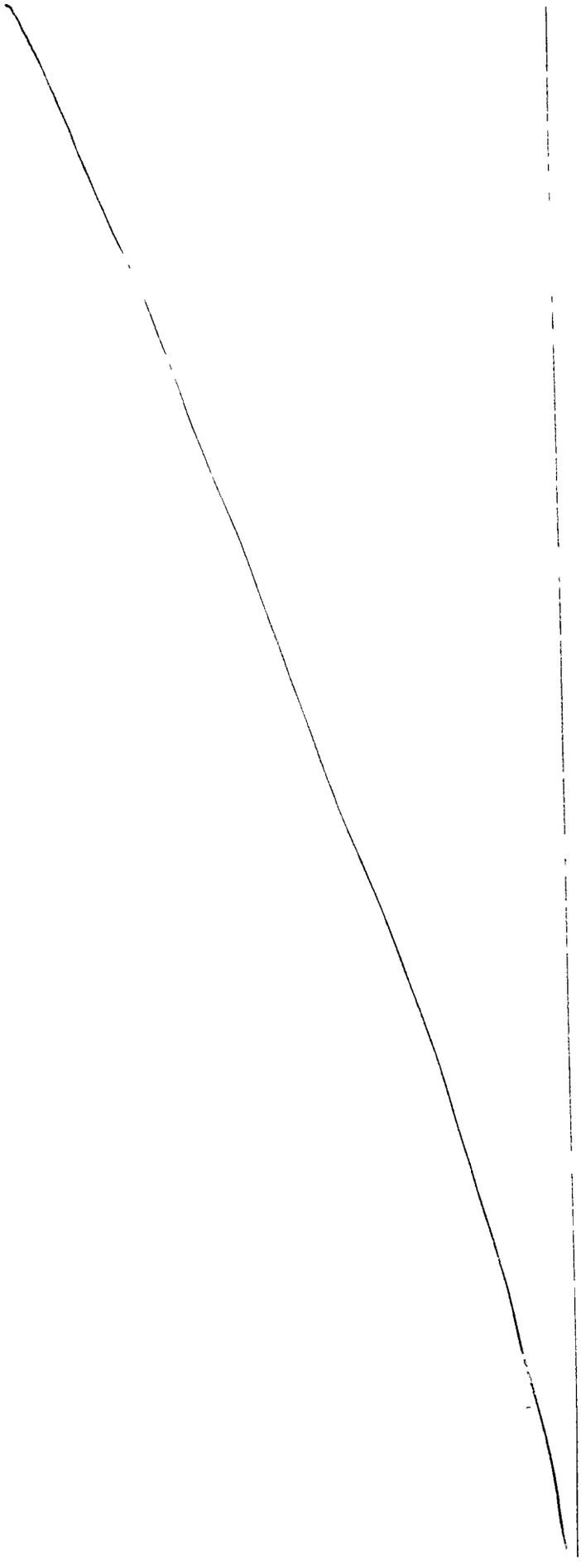
GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

4) Unofficial note No 110 of 91 & 3-4-22 of the Govt Advocate on the subject.

5) Petition & 26-4-1922 from Mr. B. K. Venkatachar, Advocate, Mysore, stating that the correct date of the donor's death is 5-12-1911, as verified from the ~~City~~ Municipal ~~and~~ Death Register and requesting that the date of death mentioned as 1914 in the G. O. of 2nd August 1917 may be changed to 1911; and requesting further that the produce of the endowed property for the last 3 years from the date of death of the donor's widow in 1917 may be invested in Govt securities and added on to the corpus of the endowment.

GPB—20,000—7-7-14



G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

The Govt. advocate who was consulted in the matter states that I do admit ~~the~~ his statement to be correct

Order :-

1. ~~The materials available~~ The records before Govt. ~~appear to~~ establish beyond doubt that the testator the late Mr. Chinnagarundiempar was a divided member of the family, or at any rate that his other brothers have no subsisting interest in the properties owned by the testator,

2. ~~The documentary evidence shows~~ that the properties ~~were~~ were being separately enjoyed by him, the Khata of the lands in question having been in his name and the Kandayam ~~was being~~ paid by him, ~~after~~ that on his death, the Khata was made out in the name of his widow Bhagirathammal

~~It is not likely that~~

WD. 2230—GPB—1,00,000—23 7 20

testator's brothers, who have now been urging their claims, would have kept quiet at the time of the transfer of Khata; if in reality they were entitled to the lands by right of survivorship. Besides, the widow dealt with the lands as owner in possession by leasing them for 5 yrs. to a tenant and paid the Kandayam herself.

More than all the above circumstances, which strongly go to prove that the brothers were ~~do~~ divided, ~~as~~ there is the most important piece of evidence afforded by the registered deed of sale dated 1st April 1895 under which Mr. Veeraraghavachar has sold his half-share in S.Nos. 318, 319 & 320 in Hampapur to the deceased testator himself.

which would not have been allowed by them if they had been entitled to the lands by right of survivorship and that the widow dealt with the lands as owner by leasing them for a period of years & paid the Kandayam herself. ~~He also brings Exhibit~~ the reg. deed of sale dt. 1.4.95 under which Mr. Veeraraghavachar sold his half share in S. Nos. 318, 319 & 320 to the deceased testator, ~~which~~ proves beyond all doubt that the brothers were divided.

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

If as a matter of fact the brothers were undivided, such a transaction would be inconceivable.

2 ~~Govt are, therefore, of~~ opinion that the deceased Mr Channagarudiyapar was the absolute owner of the lands endowed by him and was entitled to dispose of the same by will. The Dy: Comr will accordingly take ~~the~~ needful steps for the administration of the charities and to lease out the lands endowed for its up-keep, as directed in the order read above.

3 The Inspr Irrgn is requested to submit for sanction proposals for the utilization of the income from the endowed lands according to the will

(Govt accept the views of the Govt Advocate and are prepared to proceed on precarious tenure of the Rent)

of the testator as directed
in the G.O. referred to above.

4) Bm 15/4/12
Secretary
Mug: Deptt
in charge

To
The Dy: Comr, Mysore Dt.
Rep. the enclos.
" Compt to Govt.
" Mug: Supdt in Mysore.
Mr. B. Veeraraghavachar,
Pleader, Mysore -
" B.K. Venkatachar B.A.B.L.,
Advocate,
Hayagriva Mandiram,
" Mysore.

BD
4/5/12

4. It is noted that the correct date of death of the donor is ~~accepted as~~ 5-12-1911, as requested by Mr. ~~Venkata~~ Iyer.

5. The Dy: Comr is requested to take steps for investment in ~~the~~ of the sale proceeds of the produce of the lands for the last 3 years in the 6½% State Loan in communication with the Mysore Bank.

M.T 401-19-6

Proceedings of the Government of H.H.
the Maharaja of Mysore.

Read --

Government order No.424-C/Luz.
734-18-2 dated 2nd August 1919 accepting the endowment in land made by the late Mr.Bindiganavale Channagarudiengar for feeding pilgrims and Sanskrit students in the Desikar's Sannidhi at Melkote and directing the assumption of management of the charity by Government in the Muzrai Department.

2. Petition dated 27th December 1919 from Messrs. P. Veeraraghavachar, Pleader, Mysore, and his brother Yadavachar, representing that they being the undivided brothers of the late Channagarudiengar, are claimants to the landed property endowed by Channagarudiengar and as such it is illegal for Government in the Luz. Department to take charge of it and administer it for the benefit of a certain charity, and requesting Government to withdraw their order assuming the management.

3. Correspondence ending with letter No.C.488 of 19-20 (Luz) dated 8th Feb. 1922 from the Deputy Commissioner, Mysore District, furnishing information on all the points called for.

4. Petition dated 26th April 1922 from Mr. B.K.Venkatachar, Advocate, Mysore, stating that the correct date of the donor's death is 5th December 1911, ...

verified from the Municipal Death Register and requesting that the date of death mentioned as 1914 in the Government order of 2nd August 1919 may be changed to 1911; and requesting further that the produce of the endowed property for the last 3 years from the date of death of the donor's widow in 1919 may be invested in Government securities and added on to the corpus of the endowment.

Order -- No. 6650-4 Enc. two files
mws 401-19-8. dt 26/5/22

Dated Bangalore,

~~The Government Advocate who was~~
~~requested to examine the records~~
The records before Government establish beyond any doubt that the testator, the late Mr. Channagarudiengar, was a divided member of the family, or at any rate, that his other brothers have no subsisting interest in the properties owned by the testator, that the properties were being separately enjoyed by him, the Khate of the lands in question having been in his name and the kandayas paid by him; that on his death, the Khate was made out in the name of his widow Bhagiratamma which would not have been allowed by them, if they had been entitled to the lands by right of survivorship, and that the widow dealt with the lands as owner by leasing them for a period of years and paid

the kandayam herself. A registered deed of sale dated 1st April 1895 under which Mr.Veeraraghavachar sold his half share in S.Nos.318, 319 and 320 to the deceased testator, also proves beyond all doubt that the brothers were divided.

2. Government are, therefore, of opinion that the deceased Mr.Channagarudiengar was the absolute owner of the lands endowed by him and was entitled to dispose of the same by will. The Deputy Commissioner will accordingly take needful steps for the administration of the charities and to lease out the lands endowed for its up-keep, as directed in the order read above.

3. The Muzrai Superintendent is requested to submit for sanction proposals for the utilization of the income from the endowed lands according to the wishes of the testator, as directed in the Government order ~~xxxxxx~~ referred to above.

4. It is noted that the correct date of death of the donor is 5th December 1911.

5. The Deputy Commissioner is requested to take steps for the investment of the sale proceeds of the produce of the lands for the last 3 years in the 6½% State Loan, in communication with the ~~Mysore~~ Bank of Mysore Ltd.

Fair draft)

Secretary to Government,
Muzrai Department,
(In charge).

To

The Deputy Commr. Mysore Dist. (returning the enclosures).
" Comptroller to Govt.
" Muzrai Supdt. in Mysore.

Mr.P.Veeraraghavachar, Pleader,
" P.K.Venkataramiah, L.A.B.L. Advocate,